

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON DIVISION

JAMES FANKHAUSER,

Plaintiff,

v.

Civil Action No. 2:05-0922

MICHAEL J. ASTRUE,  
COMMISSIONER OF SOCIAL SECURITY,

Defendant.

MEMORANDUM OPINION AND ORDER

The court having received the Proposed Findings and Recommendation of United States Magistrate Judge Mary E. Stanley, entered on February 12, 2007; and the magistrate judge having recommended that the court deny plaintiff's motion for summary judgment; and the magistrate judge having further recommended that the court affirm the final decision of the Commissioner and dismiss this matter from the court's docket; and no objection having been filed to the Proposed Findings and Recommendation, it is ORDERED that:

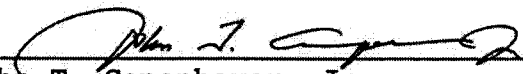
1. The findings made in the Proposed Findings and Recommendation of the magistrate judge be, and they hereby are, adopted by the court;

2. The plaintiff's motion for summary judgment be, and it hereby is, denied; and

3. The decision of the Commissioner be, and it hereby is, affirmed.

The Clerk is directed to forward copies of this written opinion and order to all counsel of record and the United States Magistrate Judge.

DATED: March 21, 2007

  
\_\_\_\_\_  
John T. Copenhaver, Jr.  
United States District Judge